

Rockville's 2013 State Legislative Priorities

Restoration of Municipal Highway User Revenues

The restoration of this critical funding source is once again an MML priority for the 2013 Session, and Rockville and other municipalities will be working closely with them in support of this effort.

The General Assembly in the 2012 Session approved a municipal HUR level of \$6.5 million, as recommended by the Governor in his proposed FY13 budget. MML and its member municipalities advocated for the restoration of these revenues as its top priority. Since the Governor's gas tax proposal failed, there was no additional HUR restoration. The FY 13 HUR level was a \$3.4 million reduction from the one-time funding restoration in the 2011 Session of \$9.9 million (of which Rockville received \$788,312). In FY13, the City will receive an HUR payment in the amount of \$469,124.

The FY13 adopted State budget sets the FY14 municipal HUR level at \$7.2 million. According to the latest estimates from the Maryland State Highway Administration, Rockville's FY14 HUR payment will be \$509,693. With fully funded HUR revenues, municipalities would receive approximately \$45 million, with Rockville receiving more than \$3.3 million.

As a consequence of drastic State cuts to HUR, along with other declining revenues, Rockville's transportation budget contains several projects that are underfunded by a total of \$4.6 million between FY13-FY17. This includes projects that support asphalt and concrete maintenance and repair.

MML has begun its advocacy on this issue and held meetings in November 2012 with key Administration decision makers in an attempt to have restored HUR funds included in the Governor's recommended FY14 budget. In their meeting with the Secretary of Budget and Management, Eloise Foster, she noted the State needs to address the structural budget deficit which will hinder its ability to reinstate HUR funding. In the meeting with the Governor, he informed the League that, without a new transportation funding source, the State will not be able to reinstate HUR funding.

Protecting Rockville's Stormwater Fee and Program

To build on efforts in the 2010 - 2012 legislative Sessions, the City will continue to advocate for this priority in 2013.

Rockville has a comprehensive stormwater program that assesses an equitable utility charge (FY13 \$78.90 per Equivalent Residential Unit) on every property owner that generates stormwater. Payment of the stormwater utility charge is essential for the City to meet its mandated EPA "pollution diet" requirements for the clean-up of the Chesapeake Bay.

Public property owners are responsible for 15% of the impervious surface across the entire City. HB 987 Stormwater Management – Watershed Protection and Restoration Program, enacted in 2012, requires Phase I jurisdictions, which are the nine largest counties and the City of Baltimore with stormwater permits, to enact a local stormwater fee; it exempts state, county, municipal governments, and volunteer fire departments from paying it.

The public property exemption, while not applicable to Rockville and 53 other Phase II permit holders, is contrary to the City's advocacy that all property owners should pay their fair share. The City is opposed to any

effort to extend the public property exemption to Phase II jurisdictions such as Rockville. In the 2013 Session, Rockville will monitor all stormwater legislation that is introduced and will work to protect the City's program and fee from any proposals that are disadvantageous.

Legislation to Set Uniform, Late, Administrative, and Flagging Fees on Red Light and Speed Camera Violations

In March 2012, the Chief Judge of the Maryland District Court issued an order that prohibited local jurisdictions from charging late, administrative, and flagging fees because the varied amounts violated a uniformity requirement in the Maryland Constitution. Rockville, Montgomery County, and other local jurisdictions have come into compliance through the removal of language pertaining to these fees on the citation notices and have ceased charging the fees. Rockville's Police and Finance Departments estimate approximately \$284,000 in lost red light and speed camera late fees. The greatest impact is in the City's capital improvements program, with the loss of speed camera funds dedicated to sidewalk construction, pedestrian safety, citywide traffic controls, and bridge rehabilitation.

Since this issue impacts many localities in Maryland, jurisdictions would be well served to have MML and the Maryland Association of Counties (MACO) lead the advocacy effort. In recent months, MML and MACO attempted to meet with the Chief Judge in an effort to explore an administrative resolution. Unfortunately, their request was not granted.

MML and MACO will attempt to have the necessary statutory changes made in other related legislation that may be introduced in the upcoming Session, if they believe the amendments would work in concert with proposals that may arise. MML and MACO believe this approach is more favorable than a measure that is solely focused on the late fee issue, which they believe could result in weakened municipal and county authority over red light and speed camera programs. The trade associations note there are strong public opinions on both sides of the issues surrounding traffic monitoring devices.

Rockville supports legislation or any other option that best protects municipal interests and brings this matter to a resolution. The City will work in concert with MML, MACO, Gaithersburg and other localities on this effort.

Legislation to Allow Non-Sworn Officer Staff to Sign-Off on Speed Camera Violations

The City supported this legislation in the 2011 and 2012 Sessions. Rockville will continue to advocate for legislation in the 2013 Session that would allow non-sworn officers to sign off on speed camera violation notices. The legislation would permit an authorized individual trained in speed monitoring enforcement to sign off on the speed camera photo that recorded the violations. If successful, this legislation would allow sworn police officers who are currently approving speed camera violations to be deployed to other, more critical law enforcement assignments in the community aimed at protecting public safety and allowing for a much more efficient and effective use of their time.

The sworn officer sign off requirement is a financial burden on police departments because the salary and benefits of officers are typically much higher than civilian staff. Presently, the average salary of civilian photo technicians is \$38,000. The average salary of officers currently approving citations is \$87,000.

State law currently allows "a technician employed by the agency" to handle the sign off on red light camera violation notices. This approach has been efficient and effective since Rockville's program was instituted in November 2002. For these important reasons, Rockville will be partnering with the cities of Gaithersburg, Laurel, and Greenbelt to advocate for this legislation in 2013.

